IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 5172 of 2000

For Approval and Signature:

HON'BLE MR JUSTICE KS JHAVERI

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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CEOM LTD - Petitioner(s)

Versus

PRABHUDAS ATMARAM PRAJAPATI - Respondent(s)

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Appearance :

MR CHUDGAR for NANAVATI ASSOCIATES for Petitioner No(s).: 1.

M/S THAKKAR ASSOC. for Respondent No(s).: 1.

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CORAM : HON'BLE MR JUSTICE KS JHAVERI

Date : 10/08/2005

ORAL JUDGMENT

1.0 The petitioner has challenged the award dated 13.10.1999 passed by the Labour Court, Vadodara, in

Reference (LCV) No. 1161 of 1994, whereby the petitioner was directed to pay the respondent 100% back wages for the period from 19.07.1977 to 09.04.1989.

2.0 The petitioner herein is a Public Limited Company engaged in the business of galvanization of steel wires. The respondent herein was appointed as a Supervisor in the petitioner Company w.e.f. 14.05.1972. It is the case of the petitioner that w.e.f. 01.07.1979 the petitioner Company had stopped all its production activities and that on 14.07.1977 the respondent was discharged from the service as per the terms of the appointment letter.

2.1 Against the said action, the respondent raised a dispute, which, ultimately, culminated into a reference before the Labour Court. The petitioner filed its written statement stating that it had discontinued its production activities w.e.f. 01.07.1979. Ultimately, the Labour Court passed the impugned award with the aforesaid directions. Hence, this petition.

3.0 Mr. Chudgar learned advocate for the petitioner has submitted that the petitioner Company was closed on 30.06.1979, and therefore, the Labour Court has committed

an error in granting back wages for the period from 19.07.1977 to 09.04.1989. Hence, the impugned award of the Labour Court is illegal and is required to be quashed and set aside.

4.0 I have heard learned counsel for the parties and perused the documents placed on record. It is well established that the petitioner Company was closed down on 30.06.1979. The Labour Court by granting back wages to the respondent for the period from 19.07.1977 to 09.04.1989 has committed grave mistake since the petitioner Company was already closed down on 30.06.1979. The respondent workman can be said to be entitled for back wages only for the period from 19.07.1977 to 30.06.1979. If it is so, the respondent workman shall also be entitled for all retirement dues for the said period.

5.0 Mr. Chudgar learned advocate for the petitioner has submitted that the total dues of the respondent for the said period, including his retirement benefits, comes to Rs.22,000/-.

6.0 In above view of the matter, the petitioner is

directed to pay an amount of Rs.22,000/- (Rupees Twenty two thousand only) to the respondent within a period of two months from today. The impugned award of the Labour Court is substituted by this order. With the above directions, the petition stands disposed of. Rule is made absolute to the aforesaid extent with no order as to costs.

(K. S. JHAVERI, J.)

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